

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
STATESVILLE, N.C.

OCT 8 2014

U.S. District Court
Western District of N.C.

UNITED STATES OF AMERICA)

v.)

TERRY LEON FELDER, SR,
Defendant.)

Case No. 5:00CR47-20-V

ORDER TO REDUCE TERM
OF IMPRISONMENT TO TIME SERVED

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Terry Felder, to time served, and commencement of a ten-year term of supervised release previously imposed. The court finds:

1. Defendant Terry Felder pled guilty to violating 21 U.S.C. §§ 846, 841(b)(1)(A)(ii)(II), 841(b)(1)(B)(viii), 841(b)(1)(A)(vii), and 851, Conspiracy To Possess With Intent To Distribute, Quantities of Cocaine and Cocaine Base, Schedule II Controlled Substances.

2. Mr. Felder was sentenced on June 12, 2002, by the Honorable Richard L. Voorhees, U.S. District Judge for the Western District of North Carolina, to a term of 240 months imprisonment and 10 years of supervised release.

3. Mr. Felder has several medical conditions including cervical spondylotic myelopathy, paraplegia, myalgias, hypertension, hypotension, syncope, gastroesophageal reflux disease, colonic stricture, chronic constipation, and chronic corneal dystrophy.

4. Mr. Felder continues to experience progressive weakness of his proximal muscles as well as back and neck pain. Mr. Felder has a small central disk protrusion at C6-7, chronic cervical myelomalacia, and chronic forminal stenosis at several cervical levels. He also has sclerosis exerting mass effect upon the thecal sac and spinal cord, as well as stenosis at T3-4 and multilevel degenerative changes at the lumbar level. Mr. Felder is confined to a wheelchair and he requires assistance from an inmate companion for all of his activities of

daily living (ADL), except for bathing which he accomplishes with assistive devices. His hand, arm, and leg weakness and numbness have progressed. His condition is not considered to be terminal at this time.


5. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Federal Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau of Prisons contends, and this court agrees, that the defendant's debilitating medical condition constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the ten-year term of supervised release previously imposed.

DONE AND ORDERED THIS 8th DAY OF OCTOBER, 2014.



RICHARD L. VOORHEES
UNITED STATES DISTRICT JUDGE